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Attorneys for Defendant
ERIN LAMBERT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0064 MAG
)	
Plaintiff,)	STIPULATION REQUESTING
)	CONTINUANCE OF HEARING AND
v.)	EXCLUSION OF TIME FROM SPEEDY
)	TRIAL ACT CALCULATION (18 U.S.C. §
ERIN CALLAHAN LAMBERT,)	3161(h)(2), (h)(8)(A)), AND PROPOSED
)	ORDER
Defendant.)	

This matter is currently scheduled for hearing on the duty magistrate calendar on April 26, 2007. The United States Attorney's Office previously referred this matter to the Pretrial Services Agency ("Pretrial Services") for evaluation for pretrial diversion and Pretrial Services has notified the parties of its acceptance of this matter into the pretrial diversion program. The parties respectfully request a four-day continuance of the hearing in this matter in order to allow the parties to complete the paperwork necessary for pretrial diversion to be put in place. If the Court grants this request for a four-day continuance, this matter would be placed on the duty magistrate calendar for April 30, 2007.

The parties also stipulate, with the consent of defendant Erin Callahan Lambert, that an accompanying four-day exclusion of time is appropriate under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1). The parties agree, and ask the Court to find and hold, as follows:

1. With the concurrence of defendant, the United States Attorney's Office has referred this matter to the Pretrial Services Agency for evaluation for pretrial diversion. Pretrial Services has deemed the matter appropriate for pretrial diversion. To allow time for completion

1 of the paperwork necessary for pretrial diversion, defendant agrees to an exclusion of time under
2 the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny
3 defense counsel reasonable time necessary for effective preparation, taking into account the
4 exercise of due diligence, in this case.

5 2. Given these circumstances, the parties agree, and ask the Court to find, that the
6 ends of justice served by excluding the period from April 26, 2007 to April 30, 2007, outweigh
7 the best interest of the public and the defendant in a speedy trial. Id. at § 3161(h)(8)(A).

8 3. The parties concur, and ask the Court also to find, that the parties' joint pursuit of
9 pretrial diversion and deferred prosecution also justify excluding from Speedy Trial Act
10 calculations the period from April 26, 2007 to April 30, 2007, pursuant to 18 U.S.C. §
11 3161(h)(2).

12 IT IS SO STIPULATED:

13 DATED: April 25, 2007

14 /s/: Kate Dyer
KATE DYER
Attorney for Defendant

15
16 DATED: April 25, 2007

17 /s/: Andrew P. Caputo
ANDREW P. CAPUTO
Assistant United States Attorney

18
19 ~~PROPOSED ORDER~~

20
21 IT IS SO ORDERED. This matter is continued to April 30, 2007, at 9:30 a.m. For the
22 reasons stated in the above stipulation, the period from April 26, 2007, to April 30, 2007, is
23 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(2), (h)(8)(A) & (B)(iv).

24
25
26 DATED: 4/26/07



HONORABLE EDWARD M. CHEN
United States Magistrate Judge